



OFFICE OF THE PROSECUTING ATTORNEY
24TH JUDICIAL CIRCUIT
HAMILTON COUNTY, INDIANA

PRESS RELEASE

Friday, December 27, 2013

Following an investigation conducted by the Westfield Police Department with cooperation of many law enforcement partners and a responsive public, the State filed charges this morning against Christian Rene Haley regarding the December 20th deaths of Marylyn and Kelley Erb.

The charges are pending in Hamilton Superior Court I in Noblesville under cause number 29D01-1312-MR-010619. An initial hearing is set for this afternoon at 1:15 p.m. in the Magistrate's Courtroom with Haley appearing by video teleconference from the Hamilton County Jail.

The charges are: two counts of Murder, two counts of Felony Murder, one count of Robbery as a Class A Felony, one count of Burglary as a Class A Felony, one count of Theft as a Class D Felony, and one count of Auto Theft as a Class D Felony.

Mr. Haley was arrested by officers of the Westfield Police Department on December 26th and remains held at the Hamilton County Jail.

The fact that a defendant has been charged with a crime is merely an accusation, and the defendant is presumed innocent until and unless proven guilty.

Further inquiries about the litigation may be directed to Chief Deputy Prosecuting Attorney Andre Miksha. Due to the likelihood of inquiries, the State provides this release and copy of the charging information and probable cause affidavit for your reference.

Please understand that commentary beyond that which is contained within the attached public documents will be necessarily limited.

* * *

IN THE HAMILTON CIRCUIT/SUPERIOR COURTS

STATE OF INDIANA)

COUNTY OF HAMILTON)

STATE OF INDIANA

2013 DEC 27 AM 8:00

CAUSE NO. 29

29001-1312-MR-10619

REGISTRY CLERK
HAMILTON COUNTY COURTS

INFORMATION FOR:

VS.

CHRISTIAN RENE HALEY
3720 East 42nd Street
Indianapolis, IN 46205

OLN: 7210075724 Indiana
DOB: 2/2/1993
SSN: XXX-XX-2975

PHYSICAL DESCRIPTION

Race: B Sex: Male
Height: 5'07" Weight: 200
Eyes: Brown Hair: Black

Count 1:
Murder
I.C. 35-42-1-1(1)
a Felony

Count 2:
Murder
I.C. 35-42-1-1(1)
a Felony

Count 3:
Murder
I.C. 35-42-1-1(2)
a Felony

Count 4:
Murder
I.C. 35-42-1-1(2)
a Felony

Count 5:
Robbery Resulting in Serious Bodily Injury
I.C. 35-42-5-1(1)
a Class A Felony

Count 6:
Burglary Resulting in Bodily Injury
I.C. 35-43-2-1
a Class A Felony

Count 7:
Theft
I.C. 35-43-4-2(a)
a Class D Felony

Count 8:
Auto Theft
I.C. 35-43-4-2.5(b)
a Class D Felony

BE IT REMEMBERED,

That on this day comes Jeffrey D. Wehmueller, who being duly sworn upon his oath, says that in the County of Hamilton, State of Indiana,

Count 1: on or about December 20, 2013 Christian Rene Haley did intentionally kill another human being, to-wit: Marylyn Erb

Count 2: on or about December 20, 2013 Christian Rene Haley did intentionally kill another human being, to-wit: Kelley M. Erb

Count 3: on or about December 20, 2013 Christian Rene Haley, did kill another human being, to wit: Marylyn Erb; while committing burglary or robbery

Count 4: on or about December 20, 2013 Christian Rene Haley, did kill another human being, to wit: Kelley M. Erb; while committing burglary or robbery

Count 5: on or about December 20, 2013 Christian Rene Haley did knowingly take property, to-wit: U.S. currency or Chase cards from another person or the presence of another person, to-wit: Marylyn Erb or Kelley M. Erb, by using force or by threatening the use of force; said act resulting in serious bodily injury to Marylyn Erb and/or Kelley M. Erb, to-wit: unconsciousness

Count 6: on or about December 20, 2013 Christian Rene Haley did break and enter the building of Todd D. Erb and Marylyn Erb, to-wit: home located at 15908 Oak Park Court, Westfield; with the intent to commit a felony therein, to-wit: theft, which is the knowing exertion of unauthorized control over property of another person, with intent to deprive the other person of any part of its value or use; said act resulting in serious bodily injury to Marylyn Erb and/or Kelley M. Erb, to-wit: unconsciousness

Count 7: on or about December 20, 2013 Christian Rene Haley did knowingly exert unauthorized control over the property of Todd D. Erb and Marylyn Erb, to-wit: U.S. currency or Chase cards, with the intent to deprive said person of any part of the use or value of the property

Count 8: on or about December 20, 2013 Christian Rene Haley did knowingly exert unauthorized control over the motor vehicle of Todd D. Erb and Marylyn Erb, to-wit: a 2011 Buick Enclave, with the intent to deprive the person of the vehicle's value or use

All of which is contrary to the form of the statute of such case made and provided, and against the peace and dignity of the State of Indiana.

I affirm, under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.


Jeffrey D. Wehmueller

Approved by me this 27th day of December 2013.


Chief Deputy Prosecuting Attorney

STATE OF INDIANA

STATE OF INDIANA

V.

CAUSE NO. _____

Christian Rene Haley

AFFIDAVIT FOR PROBABLE CAUSE

Comes now Brett Bays, who hereby swears upon his oath, deposes and says:

1. I am a Law Enforcement Officer with the Westfield Police Department.
2. I am filing this affidavit for probable cause in support of the charges of Murder (2 counts), Felony Murder (2 counts), Robbery, Burglary, Theft against Christian Rene Haley, a black, male, DOB: 02/02/1993, SSN: , height 5'7", weight 200, with Black hair and Brown eyes.
3. On December 20, 2013 at approximately 4:40 PM, officers of the Westfield Police Department were dispatched to 15908 Oak Park Ct. Westfield, Hamilton County, Indiana in reference to a medical emergency. Officer Josh Harrell arrived first on scene and made contact with Todd Erb who escorted him down to the basement to a utility room area. Marylyn and Kelley Erb were discovered in the basement deceased. A pool of blood or what appeared to be blood was found under and/or near the victims. At the scene it was also discovered that a vehicle owned by the Erb's was missing; a 2011 red Buick Enclave. Shortly after this discovery, Officer Steve Todd of the Westfield Police Department located the vehicle a short distance away from the family's home at 2902 E. 161st St. Westfield, Indiana 46074- Hamilton County. During an interview with Todd, he stated that he left the residence at approximately 7:00am, went to the Starbuck's located at Carmel Drive and Meridian Street, then arrived at Sundown Gardens (13400 Old Meridian Street, Carmel, Indiana) at approximately 7:15am. Todd stated that he contacted Marylyn by text message at approximately 8:30am and asked her to bring a folder to the business that he left at home. According to Todd, Marylyn arrived at Sundown Gardens at approximately 9:30am to deliver the folder. Todd stated that the office to visit a worksite in Fishers at approximately 10:30am, then had lunch with his business partner (Brian Kirchner) at the Paradise Café in Carmel around 12:00pm. Todd said he spent the afternoon in the Sundown Gardens Office, before departing at approximately 4:05pm. Todd indicated that he stopped by another worksite in the Bridgewater Addition in southwest Westfield before arriving home around 4:30pm and discovering Marylyn and Kelley deceased in the mechanical room.
4. Following autopsies on Kelley and Marylyn Erb, it was determined that the manner of death of both people was homicide due to blunt force trauma from an unknown weapon or instrument.

5. During an inspection of the home, Todd Erb stated that the following items were stolen: a fine linked gold colored chain with a heart shaped and opal insert, 1 gold colored heart shaped earring with an opal inset, a pair of gold small single white pearl earrings, an iPhone 5 black in color with a serial number of 013431002901264, Chase card belonging to Kelley Erb with a credit card number of *****7314 and a Chase card belonging to Todd and Marylyn Erb with a credit card number of *****9202, \$1500 to \$2000 in US Currency.

6. A search of Kelley Erb's cellular phone (which was left in the Oak Park Court residence) revealed that on December 20th, 2013 at approximately 11:45am, she exchanged text messages with Marylyn Erb indicating that someone was attempting to deliver flowers to the residence. Marylyn almost immediately replied that she will be home in a "few minutes" and to answer the door if the flower delivery person comes back. At approximately 12:00pm, North Union Flowers employee Allison Osborn stated that she received a call from Marylyn stating that she (Marylyn) was at home and would wait there for the flowers to be delivered. After speaking with Marylyn, Osborn stated that she contacted the flower delivery man, William Harding, and that he indicated he could deliver the flowers within approximately 1 hour. According to both Harding and Osborn, this information was provided to Marylyn no later than 12:15pm. At approximately 12:55pm, Harding stated that he arrived at the Oak Park Ct address and attempted to make contact with the Erbs. When he knocked on the door, Harding stated that he heard the dog barking and observed what he thought might be movement within the home. Harding stated that he went back to his vehicle and waited approximately 10 minutes before attempting to make contact with the Erbs again. Again, Harding said that he heard the dog barking but did not receive an answer at the door. Harding stated that he left the flowers by the front door before departing. Based on this information, we believe that the Erb residence was compromised at some point between 12:15pm and 12:55pm.

7. It was determined that Chase credit cards were stolen during the home invasion/homicide and that those same credit cards were used at several locations in the Indianapolis area during the afternoon hours on December 20th, 2013. Video was obtained from several of those locations including: a CVS located at 6975 Pendleton Pike, Indianapolis, Indiana, a Valero gas station at 2070 Arlington Ave, Indianapolis IN, and a Crown Liquors, located at 1920 N. Shadeland Ave, Indianapolis IN.

8. The Chase card belonging to Kelley was used on 12/20/13 at 15:28 at 4202 N Franklin Road, Indianapolis IN, (Chase Branch) for \$500 that was declined, 15:29 at 4202 N Franklin Road, Indianapolis IN, for a profile inquiry, 15:37 at 6975 Pendleton Pike (CVS) where the amount of \$403 was withdrawn, 15:53 at 2070 N Arlington Ave, Indianapolis IN, for a declined transaction of \$202.50, 16:00 at 1920 N Shadeland, Indianapolis IN (Crown Liquors) declined transaction for \$202.50, 16:03 at 1920 N Shadeland, Indianapolis IN (Crown Liquors) declined transaction for \$202.50, 16:12 at 3005 N Shadeland, Indianapolis IN (Marathon) declined

transaction for \$102.50, 16:12 at 3005 N Shadeland, Indianapolis IN (Marathon) declined transaction for \$102.50, and at 16:14 at 3005 N Shadeland, Indianapolis IN (Marathon) declined transaction for \$102.50. There were a total of 8 inquiries and one successful transaction in which cash was obtained. All transactions used a pin code.

9. The Chase card belonging to Todd and Marylyn Erb had 6 inquiries on it. They started at 15:27:53 and included a profile inquiry at 4202 N Franklin Road, Indianapolis IN (Chase Branch), 15:28:10 at 4202 N Franklin Road, Indianapolis IN (Chase Branch) in which \$500 was withdrawn, 15:28:36 at 4202 N Franklin Road, Indianapolis IN (Chase Branch) in which \$500 was declined, 15:54 at 2070 N Arlington Ave, Indianapolis IN (Valero gas station) in which \$202.50 was declined, 16:04 at 1920 N Shadeland, Indianapolis IN (Crown Liquors) in which \$102.50 was declined, and 16:13 at 3005 N. Shadeland Ave, Indianapolis IN (Marathon) in which \$62.50 was declined. There was only one successful transaction. All transactions used a pin code.

10. Video was obtained from the CVS on 6975 Pendleton Pike, Indianapolis. The video shows a Pontiac Grand Prix pulling into the parking lot of the CVS. A black male, wearing sun glasses, dark toboggan style hat, dark long pants and a long sleeve grey sweatshirt enters the store. This person went to the ATM right inside the door and completed the transaction.

11. Video was obtained from the Crown Liquors and it showed a Pontiac Grand Prix pull into the front parking lot and the same black male exits the driver's seat and enters the store and walk towards the area of the ATM. The male then leaves the liquor store and gets into the Pontiac Grand Prix. The car was unique in that the front passenger window appeared to be tinted darker than the rear window.

12. Westfield Police issued a media blitz with limited case details but it did include photographs of the suspect that was obtained from the CVS and the Crown Liquors.

13. On 12/24/13, at approximately 10:35 AM Detective Lt. Jim Lilly spoke with a Crime Stoppers Caller. Detective Lt. Jim Lilly was told that the Crime Stopper Caller was around a group of people and overheard a conversation about the murder that had taken place on Friday (December 20th, 2013). The Crime Stopper Caller told Detective Lt. Jim Lilly that a "big guy" (approximately 6'00"- 6'02" tall over 200 pounds) named "Jamiyl" and went by "Mil" had been talking about how upset he was that Christian "Bailey" or "Haley" had murdered those people in Westfield and he didn't know anything about it. The Crime Stoppers Caller indicated that "Jamiyl" was concerned because he had "caught a case" in Hamilton County about a month ago near to where the murder took place. The Crime Stoppers caller heard Jamiyl say that Christian had worked for the husband of the deceased victims. The Crime Stoppers Caller had heard Jamiyl say that debit cards had been taken and used at a Chase Bank. Further, cell phones had

been taken. This conversation occurred in the area of E. 47th Street by Shadeland. The Crime Stoppers caller said that he did an Internet search and believed the address to be 6810 E. 47th Street (Indianapolis, IN). Detective Lt. Jim Lilly asked the caller if he knew what vehicle "Jamiyl" drove and he did not know. The caller said that between over hearing the conversation with "Jamiyl" and seeing the photo of the person of interest from the media he was certain the person in the picture was the "Jamiyl".

14. On December 24, 2013, at approximately 11:50 AM Det. Greg Marlow, Det. Brett Bays, and Detective Lt. Lilly went to 6810 E. 47th Street Indianapolis, Indiana 46226- Marion County. They observed a bronze Pontiac Grand Prix in the driveway with an Indiana license plate of SMP620. This vehicle is believed to be the same as the vehicle captured on video during the fraudulent debit card use because it is the same make and model and displays an unusual dark tint on the front windows compared to the lighter tint on the back windows. The license plate return came back to Desha Gilbert, date of birth 10/30/1966 address 6810 E. 47th Street Indianapolis, Indiana 46226. After identifying Ms. Gilbert as the registered owner of the 2007 Pontiac Grand Prix, Detective Bays conducted an Accurant search of the address; results of this search indicated that a male named "Jamiyl Gilbert" is also listed as a resident of the address. A search through Indiana Court records utilizing <https://mycase.in.gov> for the name "Jamiyl Gilbert" revealed an arrest filed on 10/24/2013 for Jamiyl Montel Gilbert address: 6810 E. 47th Street Indianapolis, Indiana 46226, in Hamilton County. With this information, Detective Bays contacted the Hamilton County Jail and obtained a copy of Jamiyl Gilbert's book-in photograph from this arrest. A comparison of this photograph to the surveillance images associated with the fraudulent card transactions at the CVS and Crown Liquors on December 20th, 2013 revealed that Jamiyl Gilbert matches in appearance and description to the suspect. A social media search by Det. Bays on Facebook revealed a profile for Jamiyl Gilbert. An examination of the profile showed that Jamiyl is referred to as "Mil" on at least one occasion. Also posted on the Facebook page was a photo of the bronze 2007 Pontiac Grand Prix.

15. On December 24, 2013 a search warrant for the cellphone belonging to Christian Haley was issued and executed with Revol Wireless. Christian Haley is a former employee of Sundown Gardens owned by the victim's husband and father. Employment records show Haley worked there from 3/18/13 until he was terminated by Todd on 6/19/2013. The cellphone belonging to Revol Wireless and owned by Christian Haley was listed on Sundown Gardens employee records. Haley's Cell phone records were processed and it was determined that on 12/20/2013 between the hours of 12:25 and 13:59, data was being used or a phone call was made by Haley's cell phone using a cell phone tower (this tower is located 1.25 miles due north of the Erb residence) in Westfield located in the 2500 block of East 171st Street (east of downtown of Westfield). The phone data continued south and at 14:04 to 14:06, the tower that was being used was located at 9360 Castlegate Drive, Indianapolis (located in the area of 96th Street and I-69).

At 14:13 to 14:16 the phone was used on a tower located at 7246 N Keystone Avenue, Indianapolis, Indiana (Keystone Avenue and 71st Street area). At 14:44 to 14:45, the phone was using a tower located in the 46th and Franklin Street area. At 15:39, the phone was using a tower at 6901 East 34th Street, which is in the Shadeland and 34th Street area of Indianapolis.

16. On December 26, 2013 Jamiyl Gilbert told Detectives Brett Bays and Detective Lt. Jim Lilly that he asked Christian Haley to borrow some money approximately 1 week before the incident at 15908 Oak Park Court. On December 20th, 2013, Gilbert stated that he received a text message from Haley stating at approximately 12:10pm stating "I'm headed to the farm. I got a friend who can help me out." At approximately 2:01pm, Gilbert stated that he was again contacted by Haley and asked to meet him at Gilbert's home (6810 E 47th Street, Indianapolis, IN); this address is approximately 1.25 west-northwest of the tower located at 46th and Franklin) there, Gilbert said that Haley gave him two Chase credit cards and the pin number. Gilbert advised that both he and Haley traveled to the Chase Bank located at 42nd Street and Franklin (the Chase Bank located 42nd and Franklin is less than .5 miles almost due south of the cell tower located at 46th and Franklin) and that Haley withdrew \$500 using one of the cards. After taking Haley back to his vehicle (it was left at the Gilbert residence), Gilbert admitted that he used the credit cards at CVS on Pendleton Pike and Crown Liquors at 1920 N Shadeland. Gilbert stated he met up with Haley after using the cards. Gilbert stated Haley told him in person that he went up there and killed two women. He advised Haley stated he bashed their heads in with some cement or something. He advised Haley was laughing so he did not know if he was for real. He stated Haley was wearing a red shirt and blue jeans, and that he showed him a key ring that included a Buick key and a house key. Gilbert advised he gave the cards back to Haley. Gilbert advised Haley was alone in the car. Gilbert advised Haley told him several months back he was going to rob an ex-boss and noted that it was some kind of lawn care business and he was going to do it because they fired his ass. Gilbert stated Haley is one of those guys who would go shoot the place up and he was "shitty" about being fired. He advised Haley told him he had been at the ex-bosses house before and knew where to go. Gilbert then added that in July of 2013, he went to a neighborhood in Westfield with Haley and Haley stated it was his ex-bosses. Gilbert advised Haley was talking about robbing the place and going into the house with a gun. Gilbert stated he told Haley he wanted no part of that and stated he doesn't want anything to do with guns. He described the neighborhood of Oak Park and described 15908 Oak Park Ct. and stated they parked in the clubhouse parking lot which is in fact just south of 15908 Oak Park Ct. Gilbert added that he in fact was driving with Haley in the car when Haley, in a black t-shirt, skull cap, and red shirt over his face, went to the Chase Bank at 4202 N Franklin Road at 15:28. The subject in that video matched the description given by Gilbert and this information was not publicly released and would otherwise be unknown to Gilbert unless he was there. Gilbert stated he then took Haley back to his (Gilbert's residence) and returned him to his car. Gilbert stated he was unaware of what Haley had done until he gave the cards back later in the evening as he stated earlier.

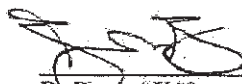
17. On December 26, 2013 a search warrant was executed on the residence of Christian Haley at 3720 E 42nd Street. Inside the residence, a receipt was located for a coinstar, coin counting machine, located at 5104 N Franklin in Indianapolis on 12/22/2013. The amount of the transaction was \$44.90. Store video was located by Detective Greg Lockhart and he and Detective Greg Marlow advised the male who in the video bringing the change in is Christian Haley and driving the 1999 Black Ford. The amount is consistent with approximately \$40.00 that Todd Erb stated was taken from a container in his home on December 20th, 2013. Also found at the residence was \$90.00 in cash.

18. On December 26, 2013 Det. Brett Bays and Detective Lt. Jim Lilly spoke with Christian Haley at the Westfield Police Department. During this interview, Haley stated that he did at one time work for Sundown Gardens and was indeed terminated by Todd for attendance problems. On December 20th, 2013 Haley stated that went to work in the area of 146th Street and SR 37 at 7:00 in the morning. Haley said that he remained at work until approximately 9:30 before realizing that his card no longer worked and surmising that he been fired. Haley stated that he drove directly to residence in Lawrence, Indiana and remained there until approximately 1:00pm. At approximately 1:00pm Haley stated that he traveled to a close friend's home also located in Lawrence, Indiana. Haley stated that this friend's name was "Shelby" but could not provide a last name or any contact information for this individual. Haley stated that also present at the residence was "Shelby's" girlfriend "Aledreana," but again could not provide a last name or any contact information. When confronted about the text he sent to Gilbert, Haley stated that he did not recall sending it. When asked about his meeting and discussing these events with Gilbert on December 20th, 2013 Haley stated that he did not recall the meeting, but insisted that he did not meet with Gilbert on December 20th. When asked if he was in Westfield, Indiana at any time on December 20th, 2013, Haley stated that he was not; this is contrary to the cellular tower usage information provided by his cellular provider concerning his phone's location on December 20th, 2013.

Except as specifically noted, all of the above events occurred in Hamilton County, Indiana.

I swear under the penalties of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

Date: 12/26/2013


B. Bays- 0K53

Westfield Police Department